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14
15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 GILEAD SCIENCES, INC.,

Case No. 5:13-cv-04057-BLF

19 Plaintiff and Counterdefendant,

**GILEAD'S PROPOSED DAMAGES
VERDICT FORM**

20 v.

21 MERCK & CO., INC. (Defendant only), MERCK
22 SHARP & DOHME CORP., and ISIS
PHARMACEUTICALS, INC.

23 Defendants and
24 Counterclaimants.

1 We, the jury, unanimously agree to the answers to the following questions and return them under
2 the instructions of this Court as our verdict in this case.

3 1. What have Merck and Ionis proved they are entitled to as a reasonable royalty:

4 a) on-going royalty payment of ____ % of \$____ in total sales; or

5 b) a one-time payment of \$____ for the life of the patent.

6
7 You have now reached the end of the verdict form and should review it to ensure it accurately
8 reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in
9 the spaces below and notify the Security Guard that you have reached a verdict. The Presiding Juror should
10 retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

11 Dated: March _____, 2016

12 _____
13 Presiding Juror

14 **Authority:**

15 N.D. Cal. Model Patent Jury Instructions, Sample Verdict Form, Question 14. Gilead's proposed verdict
16 form is based on Question 14 of the Sample Verdict Form, but omits the reference to lost profits, which
17 are not at issue in this case.